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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/749,862

12/31/2003

Oleg Kiselev

VRT0058PIUS

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60429 7590 11/06/2008
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EXAMINER

RUTZ, JARED IAN

ART UNIT

PAPER NUMBER

2187

MAIL DATE

DELIVERY MODE

11/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte OLEG KISELEV and RONALD S. KARR

Application 10/749,862
Technology Center 2100

Mailed: November 6, 2008

Before VASCO S. HARPER, *Paralegal Specialist*
HARPER, *Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL

This application was electronically received by the Board of Patent Appeals and Interferences on August 29, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

Appellants filed an Appeal Brief on June 19, 2007. The Brief is not in compliance with 37 CFR § 41.37 which states in part:

(c)(1) The brief will contain the following items under appropriate headings and in the order indicated in paragraphs (c)(1)(i) through (c)(1)(x) of this section . . .

(iii) *Status of claims.* A statement of the status of all the claims in the proceeding (e.g., rejected, allowed or confirmed, withdrawn, objected to, canceled) and an **identification of those claims that are being appealed.** (Emphasis added.)

The “Status of Claims” on pg. 2 of the Brief does not identify which of the rejected claims are the subject of the appeal. Correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- a.) to hold the Appeal Brief filed June 19, 2007, defective and notification to appellants to file a paper providing a Status of Claims section that specifically identifies the claims being appealed,
- b.) for consideration of the paper, and
- c.) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797

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